

REMARKS

In the subject Office Action, the examiner rejected Claims 1 and 4 as being anticipated by Bauder '276 under 35 USC 102(e), and rejected Claims 2 and 3 as being obvious over Bauder '276 under 35 USC 103(a). Applicant requests reconsideration of his application in view of this response, which cancels Claim 2, amends Claims 1, 3 and 4, and provides argument in support of the allowance of the amended claims.

Amended Claim 1 recites:

a wishbone bracket that spans a pair of frame members of said towing vehicle, including a central portion on which said fifth-wheel receiver is mounted and downwardly extending arms that straddle said frame members; and

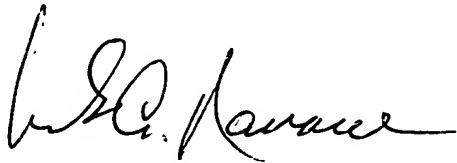
swinging linkage members disposed outboard of the frame members and pivotably coupled to said frame members and said downwardly extending arms of said wishbone bracket so as to ...

The examiner's basis for rejecting canceled Claim 2 is that Bauder's apparatus, as disclosed for example in FIG. 2, could be turned upside-down, with the kingpin 17 being replaced by a fifth-wheel receiver. In this conjecture, the mounting plates 20 are apparently supposed to represent the frame rails of the towing vehicle. Applicant respectfully submits that this characterization of Bauder is both unwarranted and impermissible because it is entirely outside the scope of Bauder's specification and could only be conceived in hindsight, having the benefit of Applicant's specification. Nothing in Bauder is even remotely suggestive of an apparatus that straddles (or is disposed outboard of) the frame members of a towing vehicle. The examiner give no citation for his statement regarding "routine reversal of the essential working parts of a device", but surely "routine reversal" cannot mean turning an apparatus upside-down and re-naming

all of its parts in a manner wholly unintended by the author and inconsistent with the only available description of the apparatus. This is nothing more than hindsight reconstruction, which of course is impermissible under the patent laws.

Applicant respectfully requests that the rejections under 35 USC 102(e) and 35 USC 103(a) be withdrawn in view of the cancellation of Claim 2 and the amendment of Claims 1, 3 and 4. Claim 1 is believed to be allowable over Bauder for the reasons given above, and Claims 3-4 depend from Claim 1. Accordingly, Applicant respectfully requests the allowance of Claims 1, 3 and 4.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Navarre", with a stylized flourish at the end.

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